

REMARKS

Claims 1, 2, 4-9, 12, 14, 15, 17-19, 22-25, and 27-29 remain pending in the instant application. Claims 1, 2, 4-10, 12-15, 17-20, 22-25, and 27-29 presently stand rejected. Claims 3, 10, 11, 13, 16, 20, 21 and 26 are cancelled without prejudice. Claims 1, 12, 14, 19, and 25 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, 4-10, 12-15, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ovadia (US 2003/0198471) in view of Westberg (US 2003/0198226) and Lee et al. (US 2004/0165537).

Claims 19, 20, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pearson (US 5,477,364) in view of Lee et al.

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Pearson in view of Lee et al. as applied to claims 19, 20, and 22 above, and further in view of Ovadia.

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Pearson in view of Lee et al. as applied to claims 19, 20, and 22 above, and further in view of Westberg.

Claims 25 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ovadia in view of Lee et al.

Claims 28 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ovadia in view of Lee et al. as applied to claims 25 and 27 above, and further in view of Westberg.

“The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” M.P.E.P. § 2143. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. “All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Independent claim 1

Amended independent claim 1 recites, in part,

scheduling the plurality of data slices for transmission onto an optical switching network during fixed time slots, wherein the block of data comprises a data stream, wherein the slice headers each include a fragment identifier (“ID”) indicating an order of each of the plurality of data slices and a data stream ID identifying the data stream from a plurality of other data streams; and
establishing optical paths through the optical switching network, wherein establishing the optical paths includes executing a Resource Reservation Protocol—Traffic Engineering (“RSVP-TE”) signaling protocol, wherein the RSVP-TE signaling protocol includes a hybrid optical bursts switching (“OBS”) network extension, **wherein establishing the optical paths further includes establishing the optical paths through the optical switching network prior to scheduling the plurality of data slices for transmission, wherein establishing the optical paths and scheduling the plurality of data slices are independent of each other.**

Applicant submits that the combination of Ovadia, Westberg and Lee does not disclose, teach or suggest establishing optical paths through an optical switching network **prior to** scheduling the plurality of data slices for transmission, wherein establishing the optical paths and scheduling the plurality of data slices are independent of each other.

Applicants respectfully submit that the Office Action misrepresents the teachings of Ovadia regarding this feature. In support, the Office Action recites the dynamic routing protocol establishes an optical path through the network from ingress to egress, before the ingress node starts transmitting burst payloads of Ovadia as corresponding to the claimed “establishing the optical paths through the optical switching network prior to scheduling the plurality of data slices for transmission.” *Office Action* mailed 4/28/09, page 7. However, Applicants kindly direct attention to FIG. 2 of Ovadia. FIG. 2 shows receive packets at ingress node from source network **21**, form label and payload from received packets **22**, reserve bandwidth on time slot basis **24**, and send label and payload optically in reserved time slot to egress node **25**. Accordingly, FIG. 2 of Ovadia shows forming the label and payload from received packets **22** occurring **before** reserve bandwidth on time slot basis **24**. In contrast, attention is directed to FIG. 3 of the application where establish paths through OBS network **305** occurs before schedule

slices into optical cells of one or more bursts **335**. Since Ovadia shows forming label and payload from received packets **22** before reserve bandwidth on time slot basis **24**, Ovadia fails to disclose, teach or suggest the claimed “establishing the optical paths through the optical switching network prior to scheduling the plurality of data slices for transmission.” Westberg and Lee also do not show this claimed feature. Thus, the combination of Ovadia, Westberg and Lee fails to disclose, teach or suggest each and every element of claim 1.

Consequently, the combination of Ovadia, Westberg and Lee fails to teach or suggest all elements of claim 1, as required under M.P.E.P. § 2143.03. Independent claim 12 includes similar nonobvious elements as independent claim 1. Accordingly, Applicants request that the instant §103(a) rejections of claims 1 and 12 be withdrawn.

Independent claim 19

In addition to now including the discussed features of independent claim 1, independent claim 19 has been amended to recite, in part,

- a stream slicer to slice a data block into data slices;
- a header pre-append block communicatively coupled to receive the data slices from the stream slicer and to append a slice header to each of the data slices;
- a scheduler coupled to schedule the data slices into fixed length time slots after an established optical path exists through the optical switching network; and
- a burst transmit block coupled to generate an optical burst for transmission onto the optical switching network, the optical burst to include the data slices with the appended slice headers, **wherein the burst transmit block converts a group of the data slices from an electrical realm to an optical realm after the entire optical burst comprising the group of the data slices has been scheduled**, wherein the burst transmit block is further coupled to generate the optical burst as a series of fixed length optical cells, each of the optical cells containing a fixed number of the data slices and appended slice headers, wherein the burst transmit block is further coupled to generate optical bursts through the established optical path through the optical switching network, wherein the established optical path includes a path defined by the execution of a Resource Reservation Protocol—Traffic_Engineering (“RSVP-TE”) signaling protocol, wherein the RSVP-TE signaling protocol includes a hybrid optical bursts switching (“OBS”) network

extension, wherein the scheduler schedules the data slices independent of the RSVP-TE signaling protocol.

Applicant submits that the combination of Pearson and Lee does not disclose, teach or suggest the burst transmit block converts a group of the data slices from an electrical realm to an optical realm after the entire optical burst comprising the group of the data slices has been scheduled.

The Office Action is silent with regards to this feature. Additionally, Pearson and Lee are silent with regards to electrical to optical conversion of data slices. Consequently, the combination of Pearson and Lee fails to teach or suggest all the elements of claim 19, as required under M.P.E.P. § 2143.03. Accordingly, Applicants request that the instant §103(a) rejection of claim 19 be withdrawn.

Independent Claim 25

Independent claim 25 has been amended to include the discussed features of claim 1 and claim 19, which claims are nonobvious over their respective cited references. Accordingly, Applicants request that the instant §103(a) rejection of claim 25 be withdrawn.

Dependent Claims

The dependent claims are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the

undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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